

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FEDERAL TRADE
COMMISSION,

Petitioner,

v.

LABMD, INC., and

MICHAEL J. DAUGHERTY,

Respondents.

Case No. _____

1:12-CV-3005

WSD

**(Proposed) ORDER TO SHOW CAUSE WHY
RESPONDENTS LABMD, INC. AND MICHAEL J. DAUGHERTY
SHOULD NOT COMPLY WITH FEDERAL TRADE COMMISSION
CIVIL INVESTIGATIVE DEMANDS**

Pursuant to the authority conferred by Sections 16 and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 56 and 57b-1, Petitioner, the Federal Trade Commission, has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring Respondents LabMD, Inc. and Michael J. Daugherty to comply in full with the December 21, 2011 civil investigative demands issued to them in aid of a law enforcement investigation being conducted

by the Commission (FTC File No. 1023099).

The Court has considered the Commission's Petition for an Order to Enforce Civil Investigative Demands and the papers filed in support thereof; and it appears to the Court that Petitioner has shown good cause for the entry of this Order. It is by this Court hereby

ORDERED that Respondents LabMD, Inc. and Michael J. Daugherty appear at _____ a.m./p.m. on the _____ day of _____, 2012, in Courtroom No. _____ of the United States Courthouse for the Northern District of Georgia, 75 Spring Street, SW, in Atlanta, Georgia, and show cause, if any there be, why this Court should not grant said Petition and enter an Order enforcing the civil investigative demands issued to the Respondents and directing them to testify pursuant to the CIDs and produce all responsive documents and information in compliance with the CIDs within ten (10) days of the receipt of the Court's enforcement order, or at such later time as may be agreed upon by the parties. Unless the Court determines otherwise, notwithstanding the filing or pendency of any procedural or other motions, all issues raised by the Petition and supporting papers, and any opposition to the Petition, will be considered at the hearing on the Petition, and the allegations of said Petition shall be deemed admitted unless

controverted by a specific factual showing.

IT IS FURTHER ORDERED that, if Respondents believe it necessary for the Court to hear live testimony, they must file an affidavit reflecting such testimony (or if a proposed witness is not available to provide such an affidavit, a specific description of the witness's proposed testimony) and explain why Respondents believe live testimony is required.

IT IS FURTHER ORDERED that, if Respondents intend to file pleadings, affidavits, exhibits, motions or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Court and received by Petitioner's counsel by _____ a.m./p.m. on _____, 2012. Such submission shall include, in the case of any affidavits or exhibits not previously submitted, or objections not previously made to the Federal Trade Commission, an explanation as to why such objections were not made or such papers or information not submitted to the Commission. Any reply by Petitioner shall be filed with the Court and received by Respondents by _____ a.m./p.m. on _____, 2012.

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 26(a)(1)(B)(v) and 81(a)(5), that this is a summary proceeding and that no party shall be entitled to

discovery without further order of the Court upon a specific showing of need; and that the dates for a hearing and the filing of papers established by this Order shall not be altered without prior order of the Court upon good cause shown; and

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 81(a)(5), that a certified copy of this Order and copies of said Petition and Memorandum in support thereof filed herein, be served forthwith by Petitioner upon Respondents or their counsel by personal service, or by certified or registered mail with return receipt requested, or by overnight express delivery service.

SO ORDERED:

United States District Judge

Dated: _____, Atlanta, Georgia

PRESENTED BY:

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General Counsel

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Deputy General Counsel for Litigation

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